

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KAYLEIGH SLUSHER, et al.,
Plaintiffs,
v.
CITY OF NAPA, et al.,
Defendants.

Case No. [15-cv-02394-SBA](#) (JCS)

**ORDER DENYING DISCOVERY
MOTION WITHOUT PREJUDICE**

Re: Dkt. No. 69.

Discovery matters in this action have been referred to the undersigned magistrate judge for decision. *See* Order Referring Case (dkt. 28). Plaintiffs and certain defendants including and associated with the City of Napa (the “City Defendants”) filed a “joint” motion for the production of documents and for forensic examination of evidence. *See* Mot. (dkt. 69). Other defendants including and associated with the County of Napa (the “County Defendants”) oppose the motion, and seek to stay the case pending resolution of related criminal proceedings in state court. *See* Opp’n (dkt. 74). The parties stipulated to a briefing schedule for the County Defendants’ forthcoming motion to stay—to be heard by the Honorable Sandra Brown Armstrong, the presiding judge in this case—with replies to be filed no later than June 3, 2016, and Judge Armstrong endorsed that schedule. *See* Stip. & Order (dkt. 79). No hearing date has been set for the motion to stay. *Id.* Plaintiffs oppose a stay of the case, but the City Defendants intend to join the County Defendants’ motion. *See* Pls.’ Reply (dkt. 76); City Reply (dkt. 81). The City Defendants propose that the undersigned continue the hearing on the discovery motion until after resolution of the motion to stay, and deny the discovery motion without prejudice if the case is stayed. *See* City Reply.

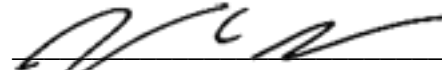
Whether the case should be stayed is a question for Judge Armstrong to address, and the undersigned expresses no opinion on that matter. Nor does the undersigned express an opinion at

1 this time on the merits of the pending discovery motion. Pending Judge Armstrong's decision on
2 the forthcoming motion to stay, however, the discovery motion is DENIED WITHOUT
3 PREJUDICE and the hearing set for April 29, 2016 is VACATED.

4 If the motion to stay is denied in full or in part, and Plaintiffs and/or the City Defendants
5 wish to renew their discovery motion, the parties are instructed to follow the procedures for
6 resolution of discovery disputes set forth in the order dated September 16, 2015, appearing as
7 docket entry 34. Further filings directed to the undersigned magistrate judge shall be captioned as
8 "joint" if and *only* if *all* parties to the case join in filing.

9 **IT IS SO ORDERED.**

10 Dated: April 18, 2016

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13 JOSEPH C. SPERO
14 Chief Magistrate Judge
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